



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Grouzmann, *et al.*

Appl. No.: 09/993,959

Filed: November 27, 2001

For: **Method of Treating Rhinitis or Sinusitis**

Art Unit: 1651

Examiner: M. Meller

Atty. Dkt.: 7571/73191  
(Formerly 81985 282428)

**Amendment and Response Under 37 C.F.R. § 1.111**

**RECEIVED**

JAN 15 2003

Assistant Commissioner for Patents  
Washington, D.C. 20231

TECH CENTER 1600/2900

Sir:

In response to the Office Action dated October 22, 2002, Applicants respectfully request reconsideration of the above-captioned application in view of the following remarks.

**Remarks**

**I. Status of the Application and Claims**

As originally filed, the present application had a total of 16 claims. Claims 1-8 were cancelled in a Preliminary Amendment filed by Applicants on November 27, 2001. Claim 16 was subsequently cancelled as the result of a restriction requirement. Thus, the claims presently pending in the application are 9-11 and 15. All of these have been rejected under 35 U.S.C. § 103.

**II. Response to Rejections**

On pages 2 and 3 of the Office Action, the Examiner rejects all pending claims under 35 U.S.C. §103 as being unpatentable over Wilkinson, *et al.* (U.S. 6,251,391); Houston (U.S. 6,447,772); Robison (U.S. 6,395,889); or Petell, *et al.* (U.S. 5,665,595). The Examiner alleges that each of the references teaches that dipeptidyl peptidase IV can be administered by nasal or aerosol delivery. The Examiner then argues it would be obvious to load the peptidase into a device for administration.